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In re Patent No. 7,072,833 : OFFICE OF PETITIONS
Issued: July 4, 2006 :
Application No. 09/866,595 : PATENT TERM ADJUSTMENT
Filed: May 30, 2001 :
Dkt. No.: 1263.1751 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed September 1, 2006.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 7,072,833 on July 4, 2006. The instant request for reconsideration was timely filed in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 498 days. Patentee argues that the application is entitled to an adjustment of 548 days.

A review of the application history reveals that an adjustment of 765 days can be attributed to the Office. This determination is undisputed by patentee.

The adjustment of 765 days was reduced 267 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

Patentee disputes the reduction of 50 days in connection with a request for an examiner initialed IDS Form 1449 that was submitted February 27, 2006. Patentee argues that the request for an examiner initialed IDS Form 1449 was made on two separate occasions prior to the last request of February 27, 2006. Specifically, patentee argues that the requests were made on May 16, 2005 and November 14, 2005.

A review of the official application file does indicate that requests for an examiner initialed IDS Form 1449 were made prior to the February 27, 2006 request.

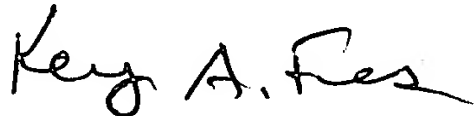
In view thereof, the reduction of 50 days accorded in connection with the request for an examiner initialed IDS Form 1449 made on February 27, 2006 is not deemed a failure to engage in reasonable efforts to conclude prosecution within the meaning of 37 CFR 1.704(c)(10).

In view thereof, at the time of issuance, the application was entitled to a patent term adjustment of 548 days as argued by patentee.

Receipt is acknowledged of the required PTA application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 548 days.

Telephone inquiries specific to this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

PALM INTRANETDay : Friday
Date: 3/2/2007
Time: 08:19:18

PTA Calculations for Application: 09/866595					
Application Filing Date:		05/30/2001	PTO Delay (PTO):		765
Issue Date of Patent:		07/04/2006	Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		267
Post-Issue Petitions:		0	Total PTA (days):		548
PTO Delay Adjustment:		50			

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
74	03/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	50		
70.5	06/14/2006	PTA 36 MONTHS	118		
70	07/04/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	7		59
69	05/23/2006	EXPORT TO FINAL DATA CAPTURE			
68	05/22/2006	DISPATCH TO FDC			
67	02/27/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
66	04/17/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
65	04/13/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
64	04/07/2006	FINISHED INITIAL DATA CAPTURE			
63	02/27/2006	REFERENCE CAPTURE ON IDS			
62	02/27/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		50	66
61	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
60	03/18/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
59	02/27/2006	ISSUE FEE PAYMENT VERIFIED			
58	02/27/2006	ISSUE FEE PAYMENT RECEIVED			
57	02/03/2006	EXPORT TO INITIAL DATA CAPTURE			
56	02/01/2006	MAIL NOTICE OF ALLOWANCE			
55	01/30/2006	ISSUE REVISION COMPLETED			
54	01/23/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
53	01/23/2006	NOTICE OF ALLOWABILITY			
52	11/22/2005	DATE FORWARDED TO EXAMINER			

51	11/14/2005	RESPONSE AFTER NON-FINAL ACTION			
50	10/01/2001	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
49	08/19/2005	MAIL NON-FINAL REJECTION			
48	08/17/2005	NON-FINAL REJECTION			
47	06/03/2005	REFERENCE CAPTURE ON IDS			
46	06/03/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		18	41
45	05/16/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	05/16/2005	REFERENCE CAPTURE ON IDS			
42	05/19/2005	DATE FORWARDED TO EXAMINER			
41	05/16/2005	RESPONSE AFTER NON-FINAL ACTION		27	35
40	05/16/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	01/18/2005	REFERENCE CAPTURE ON IDS			
38	01/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		110	21
37	07/16/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	01/18/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
35	01/19/2005	MAIL NON-FINAL REJECTION			
34	01/19/2005	NON-FINAL REJECTION			
33	04/06/2005	DATE FORWARDED TO EXAMINER			
32	12/23/2004	SUPPLEMENTAL RESPONSE			
25	12/23/2004	WORKFLOW INCOMING AMENDMENT IFW			
24	09/30/2004	REFERENCE CAPTURE ON IDS			
23	09/30/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	11/10/2004	DATE FORWARDED TO EXAMINER			
21	09/30/2004	RESPONSE AFTER NON-FINAL ACTION		62	14
20	09/30/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	10/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	08/11/2004	REFERENCE CAPTURE ON IDS			
17	08/11/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	09/30/2004	WORKFLOW INCOMING AMENDMENT IFW			

15	03/23/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	04/30/2004	MAIL NON-FINAL REJECTION	640		-1
13	04/05/2004	NON-FINAL REJECTION			
12	03/12/2004	CASE DOCKETED TO EXAMINER IN GAU			
11	05/22/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	05/30/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	10/01/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
8	11/13/2001	MISCELLANEOUS INCOMING LETTER			
7	03/26/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	10/23/2001	APPLICATION DISPATCHED FROM OIPE			
5	10/22/2001	APPLICATION IS NOW COMPLETE			
4	07/31/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	07/31/2001	CORRESPONDENCE ADDRESS CHANGE			
2	06/05/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/30/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,072,833 B2

DATED : July 4, 2006

INVENTOR(S) : Rajan

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 498 days

Delete the phrase "by 498 days" and insert – by 548 days--